

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION  
and is not binding precedent of the Board**

Paper No. 40

Filed by: Trial Section Merits Panel  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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PAUL O. DETWILER, BARRY M. MERGENTHALER  
and HONG TANG,

Junior Party  
(Patent 5,684,289),

v.

MOHAN L. BOBBA, JORGE L. ACOSTA, TIMOTHY J. EUSTERMAN,  
JAMES W. RING, and ALEXANDER McQUEEN

Senior Party  
(Application 09/078,196).

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Patent Interference No. 104,631

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Before McKELVEY, Senior Administrative Patent Judge, and SPIEGEL  
and MEDLEY, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

Upon consideration of the DETWILER REQUEST FOR ENTRY OF ADVERSE JUDGMENT<sup>1</sup> (Paper 39), it is

ORDERED that judgment on priority as to Counts 1 and 2 (Paper 1, pages 5 and 6) is awarded against junior party PAUL O. DETWILER, BARRY M. MERGENTHALER and HONG TANG.

FURTHER ORDERED that junior party PAUL O. DETWILER, BARRY M. MERGENTHALER and HONG TANG is not entitled to a patent containing claims (1) 11-20 and (2) 1-10, 21, 33-35 (corresponding to Counts 1 and 2 respectively) of U.S. Patent 5,684,289, granted 4 November 1997, based on application 08/550,150, filed 30 October 1995.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/078,196 and U.S. Patent 5,684,289.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.666.

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FRED E. McKELVEY, Senior	)	
Administrative Patent Judge	)	
	)	
	)	
_____	)	BOARD OF PATENT
CAROL A. SPIEGEL	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	

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<sup>1</sup> In addition to requesting adverse judgment, and pursuant to 37 CFR § 1.321(a), Detwiler has disclaimed all of its involved claims 1-21 and 33-35 (Paper 39).

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SALLY C. MEDLEY )  
Administrative Patent Judge )

cc (via fax and federal express):

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